

# ARIZONA STATE SENATE

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TO: MEMBERS OF THE SENATE  
JUDICIARY COMMITTEE

DATE: February 16, 2021

SUBJECT: Strike everything amendment to S.B. 1007, relating to parental rights; termination; sexual assault

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### Purpose

Adds sexual assault committed by a parent against the petitioning parent that led to the conception of the child to the list of evidence sufficient to justify the termination of the parent-child relationship of the parent who committed the assault.

### Background

Statute allows any person or agency that has a legitimate interest in the welfare of a child, including, but not limited to, a relative, a foster parent, a physician, the Department of Child Safety or a private licensed child welfare agency, to file a petition for the termination of the parent-child relationship. Evidence sufficient to justify the termination of the parent-child relationship must include that:

- 1) the parent has abandoned the child;
- 2) the parent has neglected or willfully abused a child;
- 3) the parent is unable to discharge parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse of specified drugs or alcohol and there are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period;
- 4) the parent was convicted of a felony that proves the unfitness of that parent to have future custody and control of the child or the resulting sentence is of such length that the child will be deprived of a normal home for a period of years;
- 5) the potential father failed to file a paternity action within 30 days of completion of service of notice;
- 6) the putative father failed to file a notice of claim of paternity;
- 7) the parents have relinquished their rights to a child to an agency or have consented to adoption;
- 8) the child is being cared for in an out-of-home placement and reasonable efforts have been made to reunite the parent and child;
- 9) the identity of the parent is unknown and continues to be unknown following three months of diligent efforts to identify and locate the parent;
- 10) the parent has had parental rights to another child terminated within the preceding two years for the same cause and is currently unable to discharge parental responsibilities due to the same cause; or
- 11) the child was cared for in an out-of-home placement pursuant to court order, the agency responsible for the care made diligent efforts to provide appropriate reunification services, the child was returned to the legal custody of the parent from whom the child had been removed and within 18 months after the child was returned, the child was removed from the parent's legal custody, the child is being cared for in an out-of-home placement and the parent is currently unable to discharge parental responsibilities. In considering any of these grounds, the court must also consider the best interests of the child ([A.R.S. § 8-533](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Adds, to the list of evidence sufficient to justify the termination of a parent-child relationship, a finding by clear and convincing evidence that the parent committed a sexual assault against the petitioning parent and that the child was conceived as a result of the sexual assault.
2. Allows the court to accept a guilty plea or conviction for sexual assault as evidence that the child was conceived as a result of a sexual assault by that parent.
3. Defines key terms.
4. Becomes effective on the general effective date.